

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

ORDER

Plaintiff,

23-cr-10-wmc

v.

KEVIN BRESLIN and  
KBWB OPERATIONS, LLC,

Defendants.

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Defendants, Kevin Breslin and KBWB Operations, LLC, were charged with various crimes including mail and wire fraud, as well as conspiring with each other and unknown persons to commit tax fraud and money laundering. Defendant Breslin filed three motions to dismiss the following counts of the indictment (in which defendant KBWB joined): (a) Counts 2 through 10 because they are based on a duplicitous scheme; (b) Counts 11 and 12 for failure to allege a conspiracy and lack of particularity; and (c) Count 12 based on duplicity. (Dkt. ##60-62, 67.) The government opposes all three motions (dkt. ##69-71), to which defendants replied (dkt. ##72, 74-75.)

After considering defendants' motions Magistrate Judge Stephen Crocker entered a Report on September 3, 2024, recommending that this court: (a) grant in part defendants' motion to dismiss Counts 2 through 10 by striking paragraphs 54 and 55 of the indictment, but deny the motion in all other respects; (b), grant defendants' motion

to dismiss Counts 11 and 12 unless the government sufficiently identifies at least one co-conspirator for each count; and (c) deny defendants' motion to dismiss Count 12. (Dkt. #76.) Neither side has objected to the Magistrate's report and recommendation, by the September 20, 2024, deadline, nor has the government identified at least one other co-conspirator for Counts 11 or 12.

Accordingly,

ORDER

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation is ADOPTED.
2. Defendants' motion to dismiss Counts 2 through 10 (dkt. #60) is GRANTED IN PART by striking paragraphs 54 and 55 of the indictment and DENIED IN ALL OTHER RESPECTS.
3. Defendants' motion to dismiss Counts 11 and 12 (dkt. #61) is GRANTED.
4. Defendants' motion to dismiss Count 12 (dkt. #62) is DENIED AS MOOT.

Entered this 24th day of September, 2024.

BY THE COURT:

/s/

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WILLIAM M. CONLEY  
District Judge